

Remarks

By the present amendment, applicant is amending the claims to define, now even more clearly, applicant's invention residing in:

--An energy absorbing and/or spreading garment including: an inner layer, an outer layer, a plurality of resilient panels of arcuate cross-section housed between the inner layer and the outer layer of the garment, each panel arranged to overlap and slide relative to at least one adjacent panel to spread and/or absorb energy upon impact; and a plurality of channels or pockets between the inner layer and the outer layer, each channel housing one or more of the resilient panels.--

The Examiner's rejection of claims 1-20 under 35 U.S.C. § 102 or §103(a) for being anticipated by or unpatentable over the Gathings Jr. U.S. Patent No. 6,907,619, as this rejection may be attempted to be applied against the amended claims 1-24, are respectfully traversed.

First of all in support of this traverse, applicant is submitting a Declaration under Rule 1.131 Swearing Behind the Gathings Jr. U.S. Patent No. 6,907,619.

Further, the Gathings Jr. patent appears to describe a garment that manages the body heat of the user. The purpose of the panels is thermal insulation, rather than energy spreading and/or absorption upon impact.

Applicant points out that each panel in applicant's garment is arranged to overlap and slide relative to at least one adjacent panel to spread and/or absorb energy upon impact.

The panels in Gathings Jr., as shown in figure 5, do not look like they are arranged to overlap and slide relative to each other to spread and/or absorb energy upon impact. If the panels in the Gathings document were impacted, the panels would simply deform without sliding relative to each other.

In any event, the Gathings Jr. patent should be withdrawn as a non citeable reference.

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For the foregoing reasons, applicant submits that the amended claims are clear of the art of record and that the application is now in condition for allowance. An early and favorable action to that end is requested.

Respectfully submitted,

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